

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DONALD DOORNBOS, <i>et al.</i> ,)	
Plaintiffs)	
v.)	No. 3:05-cv-428
PILOT TRAVEL CENTERS, LLC,)	
<i>et al.</i> ,)	
Defendants)	

MEMORANDUM AND ORDER

This is a class action brought under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.* Currently pending is the motion for summary judgment or, alternatively, summary adjudication of the FLSA claims of the following opt-in plaintiffs: Arthur Arnold, Roger Blakney, Dennis Callahan, Daniel Hadsell, Ronald L. Johnson, Jr., Ben Okoye, George Scott and Mike Witt, on the grounds that their claims are barred by the applicable statute of limitations.

Previously in this case, 558 additional plaintiffs consented to join the case and opted into the class between April and November 2004. The eight plaintiffs identified above filed consent to join/opt-in forms during that period. However, the employment records of each of these eight plaintiffs identified above demonstrate that they ceased to work for the defendants more than three years prior to the filing of their opt-in forms. The longest

statute of limitations which possibly could be applicable to these plaintiffs is the three-year one set out in 29 U.S.C. § 255(a). Their actions were considered commenced when the written consents were filed. 29 U.S.C. § 256(b).

Counsel for the plaintiffs have attempted to locate these eight opt-in plaintiffs whose claims are clearly barred, but have been unable to do so. Accordingly, counsel have been unwilling to voluntarily dismiss their claims as was done with regard to the opt-in plaintiffs whose claims were barred and were located by plaintiffs' counsel.

It appearing that there is no evidence to indicate that the opt-in claims of the above listed eight plaintiffs are not barred by the applicable statute of limitations, the defendants are entitled to summary judgment with respect to the following opt-in plaintiffs: Arthur Arnold, Roger Blakney, Dennis Callahan, Daniel Hadsell, Ronald Johnson, Jr., Ben Okoye, George Scott, and Mike Witt. Defendants' motion for summary judgment [Court File #14] is therefore GRANTED with respect to those eight plaintiffs.

ENTER :

s/ James H. Jarvis
UNITED STATES DISTRICT JUDGE